

Executive Councillor

**Open Report on behalf of Richard Wills,
Executive Director for Environment & Economy**

Report to:	Councillor R A Shore, Executive Councillor for Waste and Recycling
Date:	11 March 2016
Subject:	Changes to the provision of Household Waste Recycling Centres and Voluntary Recycling Credits
Decision Reference:	I010967
Key decision?	No

Summary:

This report seek approval from the Executive Councillor for Waste & Recycling for the Council to changes to the way in which the Council fulfils its duty under Section 51(1)(b) of the Environmental Protection Act 1990 to arrange for places to be provided at which person resident in its area may deposit their household waste and for the disposal of waste so deposited. Such places are known as Household Waste Recycling Centres (HWRCs)

In exercise of that duty the Council currently makes a number of arrangements which it is proposed to terminate in order to meet the budget approved at Full Council on the 19th February 2016. These are (with saving in brackets):

- Voluntary recycling credits (circa £100k).
- Saturday supplementary services at Long Sutton (circa £40k), Stamford (circa £50k) and Mablethorpe (circa £70k).
- Use by LCC residents of North Lincolnshire Council's HWRCs at Kirton Lindsey and Barnetby Top (£26k).
- Provision of Leadenham HWRC (circa £25k staffing) which would require additional investment costs due to operational safety considerations of circa £50k and EA permit improvements costs of circa £150k. Provision of Whisby HWRC (circa £50k staffing). These sites do not fit under the current Council 12 mile policy for HWRCs.

Recommendation(s):

That the Executive Councillor for Waste and Recycling:

- a) Approves the removal of voluntary recycling credits as described in the Report.
- b) Approves the discontinuance of Saturday supplementary services at Long Sutton, Stamford and Mablethorpe.
- c) Approves the discontinuance of payments by LCC to secure the use by LCC residents' of North Lincolnshire Council's HWRCs at Kirton Lindsey and Barnetby Top.
- d) Approves the closure of the LCC HWRCs at Leadenham and Whisby.

in each case from 31 March 2016; and

- e) Delegates to the Executive Director for Environment and Economy, in consultation with the Executive Councillor for Waste and Recycling, authority to take all decisions necessary to give effect to the decision.

Alternatives Considered:

1. Do not approve the changes

The advantages and disadvantages of this option are addressed in the report.

Reasons for Recommendation:

1. Waste Services needs to play its part in the County Council goal to continue to deliver high class priority services within extreme Government funding cuts. The stopping of the identified services is consistent with the Council's existing policy on access to HWRCs and in those circumstances it is appropriate to take the opportunities of revenue savings to provide significant budget reductions, which will assist in the County Council trying to meet the reduced Government funds.

1.0 Introduction

The process of finding savings from Waste budgets to contribute to the financial challenge faced by the Council identified that £15 million of the Waste Service budget is governed by the waste that is presented to us for disposal through Household Waste Recycling Centres and kerbside collections by the District Councils over which the County Council has no control. Additionally, the Mixed Dry

Recycling has presently placed a substantial cost pressure of circa £3 million on the budget.

Consequently, possible savings on the remaining budget have to be made from areas where the Council is in a position to influence the cost of providing services including areas where it has some degree of discretion in relation to the level of service it provides: As a result the following areas were identified:

- Cessation of recycling credits to voluntary organisations (circa £100k).
- Cessation of Saturday supplementary services at Long Sutton (circa £40k), Stamford (circa £50k) and Mablethorpe (circa £70k).
- Cessation of LCC residents using North Lincolnshire HWRCs at Kirton Lindsey and Barnetby Top (£26k).
- Provision of Leadenham HWRC (circa £25k staffing) which would require additional investment costs due to operational safety considerations of circa £50k and EA permit improvements costs of circa £150k. Provision of Whisby HWRC (circa £50k staffing). These sites do not fit under the current Council 12 mile policy for HWRCs.

This Report invites the Executive Councillor to approve these changes. Each of the proposals is described in more detail below.

The legal context in which the decision falls to be taken is the Council's statutory duty under Section 51(1)(b) of the Environmental Protection Act 1990 to arrange for places to be provided at which person resident in its area may deposit their household waste and for the disposal of waste so deposited.

Under section 51(2)(a) of the 1990 Act, each such place must be situated in the Council's area or so as to be reasonably accessible to persons resident in the area. Therefore the Council must provide such places it has a wide degree of discretion in determining how many such places there should be and where they should be situated.

On 10 January 2012 the Executive resolved that such places should be provided against a policy that 95% of residents should be within 12 miles of a HWRC. No proposals are made to amend that policy and all of the proposals set out in this Report are consistent with it. It is the policy context in which this decision is to be taken.

2.0 Recycling Credits to Voluntary Organisations

Lincolnshire County Council presently runs a third party recycling credit scheme and a third party reuse credit scheme. These schemes are voluntary (DEFRA guidance describes them as being a "Power" rather than a "Duty") and have been in operation for a number of years. The credits can be claimed by community, charity, voluntary and not for profit organisations and schools, who recycle or reuse materials such as furniture and textiles, therefore diverting it from final disposal, which up until recently would be destined for landfill.

The credit is an amount paid per tonne of household material that is recycled or reused, and historically this would have been related to financial savings made for not sending this material to landfill. This amount was capped by central government after the introduction of the landfill tax escalator but still rises by 3% each year, and currently in 2015/16 stands at £43.73 per tonne. Registered groups claim this amount in addition to the income that they gain from the sale of materials collected. Material values range from around £10 per tonne for mixed glass, to more than £300 per tonne for textiles.

When the scheme was implemented all waste that wasn't recycled was disposed of to landfill, but because of the Energy from Waste facility, this situation has now changed. The recycling credit amount may therefore be higher than the actual disposal cost paid by LCC.

Some Waste Disposal Authorities do not provide voluntary recycling credit schemes, as it is not a duty to provide this service – which could thus be seen simply as a charitable donation. These authorities include some of the best performing WDAs such as Oxfordshire and Suffolk. A number of other authorities have revised, withdrawn, or are reviewing their voluntary recycling credit schemes as a result of budget constraints. There are several different ways that schemes have been revised, including:

- Limiting the materials that can be claimed for – for example Nottinghamshire don't allow claims for materials already collected at kerbside.
- Limiting the amount of money that can be claimed for certain materials – for example Staffordshire limit the amount paid per tonne for textiles (which generate a huge income from recyclers) to £10.
- Limiting the quantity of material that can be claimed for by each organisation.

2.1 Recommendation

The voluntary recycling credit scheme has been a useful addition to the Council's armoury for encouraging recycling and re-use while there has been money available. Simultaneously it has provided a means by which voluntary groups could supplement their own resources.

In the current financial climate, however, it is difficult to justify such voluntary payments. Those organisations who wish to re-cycle will still be able to do so and to make money where they can from the sale of the materials. Although the voluntary organisations provided an easy means for people to recycle and to benefit their communities in the process, the overall impact of the schemes on recycling performance in the county was negligible.

The Council's HWRC policy provides sites where residents of the county can deposit waste in such a way as to ensure recycling opportunities are maximised. It is therefore recommended that this scheme is stopped from the 31st March 2016 and the organisations duly informed.

3.0 Leadenham HWRC

Presently in relation to Leadenham HWRC:

- it offers fairly basic recycling opportunities;
- disposal costs have risen since the adjacent landfill site was closed;
- the site is small, has no compaction so haulage costs are higher;
- there are health & safety concerns around the use of gantries to access the containers;
- it has no scope for expansion;
- is not owned by LCC and is an additional centre which is not required under the 12 mile policy limit.

This HWRC was only previously retained to alleviate pressure at the former small Sleaford HWRC, but now there is a new and larger first class LCC owned HWRC in Sleaford which was opened in April 2013 at a build cost of around £1m.

The Environment Agency has indicated that a closed drainage system will need to be installed at the site for an Operating Permit (OP) to be issued, which will allow the site to operate from 1 April 2016. The expected cost of the fully compliant works required for this OP is circa £150k, with an expected additional £50k being required to bring the site up to expected LCC standards, such as a new welfare facility, although it will still not have any compaction in place. The operating owners have confirmed LCC would have to pay for these costs through a capital charge, or alternatively via an increase in the revenue costs of the site.

The current contract ends on the 31st March 2016, and planning permission would be required to make the necessary changes at the site to obtain an OP. The operating owners are also expecting a minimum of a five year contract to make the undertaking worthwhile and the Council would need to make a similarly long term commitment to justify the capital expenditure.

In the circumstances it would not be appropriate for the Council to be entering into such a significant capital investment and long term revenue commitment when the newly built Sleaford site is within the 12 mile policy, is owned by the Council and is of a high standard without a requirement for capital investment.

3.1 Recommendation

It is recommended that due to the expected high capital costs, poor site provision and the location being an additional Centre which is not required under the present 12 mile policy, the Leadenham HWRC is closed from the 31st March 2016.

Consequently, notice will need to be formally given to the Owners and the public duly informed.

4.0 Whisby HWRC

Whisby HWRC offers a small site with limited service provision, no compaction, and due to the layout and size of the site no scope for expansion and the site is an additional facility which is not required under the 12 mile radius policy. The site is also not open at the peak times of Saturday afternoon and Sunday.

The owners are still progressing the changing of the opening times with both the landowner and site operator, to Friday through to Monday, to be in-line with the majority of other HWRCs in Lincolnshire. This is expected to require planning permission and the site operator has indicated they will expect LCC to meet all costs through an increased site management fee. Any change to the site opening times to cover the Saturday and Sunday openings would also increase the HWRC revenue costs.

4.1 Recommendation

It is recommended that due to the changed opening time increasing costs, the limited site provision and this being an additional Centre which is not required under the present 12 mile policy, that Whisby HWRC is closed from the 31st March 2016.

Consequently, notice will need to be formally given to the Owners and the public can be duly informed.

5.0 Saturday Supplementary Services

In consideration of providing a HWRC service at Stamford, Long Sutton and Mablethorpe, LCC has been paying for a Saturday supplementary service.

LCC pays SKDC £50k to provide a Saturday supplementary service in Stamford, which consists of a residual and a green waste refuse collection vehicle being available for the public to use accordingly. There is a service level agreement and SKDC have confirmed that they would want the full 6 month notice period if the service was to be stopped. Consequently, LCC would need to inform them at the earliest opportunity to minimise the amount of spend past 31st March 2016.

LCC pays SHDC £40k to operate a service collecting residual and garden wastes covering the areas around Long Sutton, operating all year round (albeit on a reduced frequency in the winter). This service is provided by a mix of SHDC and private contractor vehicles and is contracted to 31st March 2016.

LCC provides a contractor £70k to provide a service in Mablethorpe, collecting residual, recycling and garden wastes, and this is also contracted to 31st March 2016.

5.1 Recommendation

While all the supplementary services are well received and used by the public they have been provided as an additional service provision over and above the provision of HWRCs within a 12 mile radius, but in these difficult budget times that provision needs to be reviewed.

It is therefore recommended that the Stamford, Long Sutton and Mablethorpe Saturday supplementary services are stopped from the 31st March 2016.

Consequently, notice will need to be formally given to SKDC, SHDC and the Mablethorpe contractor and the public can be duly informed.

6.0 North Lincolnshire Council

The County Council has for a number of years made payments to North Lincolnshire Council to allow Lincolnshire residents to make use of the out of county HWRCs at Kirton Lindsey and Barnetby Top. Payments were made toward both the running costs of the sites and disposal costs.

Again these payments are not necessary to comply with the Council's statutory responsibility or the 12 mile policy as the HWRC at Market Rasen and Gainsborough, are within the 12 miles of the policy.

It is not considered possible to stop Lincolnshire residents from using these facilities, but North Lincolnshire Council have confirmed that if LCC stop paying towards the costs of the sites then they will consider installing signage to discourage cross border usage.

6.1 Recommendation

It is recommended that the payment of £26k is stopped from the 31st March and North Lincolnshire Council are duly informed and engaged to minimise the impacts, in consideration of the evolving Devolution working relationships.

7. Legal Issues

7.1 Equality Act 2010

The Council's duty under the Equality Act 2010 needs to be taken into account when coming to a decision.

The Council must, in the exercise of its functions, have due regard to the need to:

- 1) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: s 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- 1) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- 2) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- 3) Encourage persons who share a relevant protected characteristic to participate in public life, or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic, and persons who do not share it, involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others.

This duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified, consideration must be given to measures to avoid that impact as part of the decision making process.

An Equality Impact Analysis (EIA) has been prepared and is attached at Appendix A. This identifies that there is a potential differential impact on certain groups with a protected characteristic who may have to travel further to reach a Household Waste Recycling Centre than they currently do.

No specific mitigation has been identified. However, the distances involved are those that all other residents of Lincolnshire are faced with and are consistent with the Council's 12 mile policy adopted in 2012. The HWRCs are open and available for use by all members of the public regardless of protected characteristics. Staff are available on site to assist any member of the public who may be unable to use the facility due to any protected characteristic including age or disability.

In reaching a decision, the Council must also have regard to the Lincolnshire Child Poverty Strategy, the Joint Strategic Needs Assessment (JSNA) and the Health & Well Being Strategy.

7.2 Child Poverty Strategy

The Lincolnshire Child Poverty Strategy has the followings four strategic themes:

- Economic poverty
- Poverty of access
- Poverty of aspiration
- Best use of resources

Following due consideration it is not considered that this proposal has any link to, or impact on, the Lincolnshire Child Poverty Strategy.

7.3 Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS)

The Council has an obligation to have regard to both the JSNA and JHWS in exercising its functions.

In this case, although Leadenham and Whisby Household Waste Recycling Centres and the supplementary services considered in this Report offer the opportunity to the public to dispose of unwanted items originating from their household and thereby contribute to environmental wellbeing, that opportunity will still be provided through the other HWRCs in accordance with the Council's policy.

7.4 Crime and Disorder Act 1998

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Whilst the Council has received representations that the removal of these services will lead to increased fly-tipping it is not considered that there is any evidence for this. HWRCs will still be available within 12 miles in accordance with the Council's policy. It is not considered justifiable for such additional services to be provided at a time of significant financial challenge in order to prevent the risk of fly-tipping and that such behaviour should be challenged through appropriate education and enforcement activity.

8. Recommendation

Waste Services needs to play its part in the County Council goal to continue to deliver high class priority services within extreme Government funding cuts. The stopping of the identified services and the potential opportunities of revenue savings will both provide significant budget reductions, which will assist in the County Council trying to meet the reduced Government funds.

In January 2012 the Executive adopted a policy that 95% of Lincolnshire residents should be within 12 miles of a HWRC. None of the proposals set out in this Report breach that policy. Indeed each of the services referred to in this Report is supplementary to the policy and removal of the services places residents currently able to access those services in the same position as all other residents of the County.

In the difficult financial circumstances that the Council faces it is considered that such supplementary provision is neither affordable nor fair when the money spent on providing such supplementary services in Waste means that less money is available in other service areas.

9. Legal Comments:

The Council's obligations under section 51 of the Environmental Protection Act 1990 are set out in the Report. The recommendations are compliant with those obligations and acceptance of those recommendations would be lawful.

The matters to be taken into account by the Executive Councillor are set out in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor if it is within the budget.

10. Resource Comments:

Over recent and future years the Council has been required to make significant savings to its revenue budget due to a decrease in available Government funding.

As part of the Council's budget setting process, Waste Services has been required to make savings within its budget to contribute to the overall savings required. The savings identified in this report will generate c £0.361m of revenue savings by terminating a number of recycling arrangements."

11. Consultation

a) Has Local Member Been Consulted?

Countywide

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Environmental Scrutiny Committee has considered these proposals at its workshop on the 4th December 2015 and at its meeting on the 29th January 2016.

The Environmental Scrutiny Committee will consider this report at its meeting on 11 March 2016. Comments from the Committee will be considered by the Executive Councillor.

d) Policy Proofing Actions Required

See Equality Impact Analysis at Appendix A

12. Appendices

These are listed below and attached at the back of the report	
APPENDIX A	Equality Impact Analysis

13. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report:

Document title	Where the document can be viewed
Household Waste Recycling Centres 12 mile policy report, January 2012.	http://lincolnshire.moderngov.co.uk/Data/Executive/20120110/Agenda/Document%203.pdf For a printed copy, please see the 11 March 2016 Environmental Scrutiny Committee public reports pack – Agenda Item 5, Appendix A.

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